Frequently Asked Questions

California's Regulation to Limit Ozone Emissions from Indoor Air Cleaning Devices

Last updated November 3, 2008

The following questions and responses are provided to help those affected by our air cleaner regulation to quickly gain an understanding of its provisions and how manufacturers can have their air cleaner models certified as meeting the regulation. The information below does not replace the regulation language; all air cleaner manufacturers and others affected by the regulation should review the Final Regulation Order and other official documents on our regulation webpage at http://www.arb.ca.gov/regact/2007/iacd07/iacd07.htm. In the case of any discrepancy between the information provided below and the Final Regulation Order and the required test standards and related documents, the official documents at the website above will be controlling. If your questions are not answered by the information below or the websites cited in this document, please contact us at aircleaners@listserv.arb.ca.gov, or 916-445-0753, or see the list of contacts at the end of this document.

1. Who must comply with the regulation?

The regulation applies to any person or business that manufactures, sells, supplies, offers for sale, or introduces into commerce in California, indoor air cleaning devices, including both medical and non-medical devices, used or intended for use in occupied spaces such as homes, businesses, schools, etc.

2. What is considered an "indoor air cleaning device"?

An "indoor air cleaning device" is an energy-consuming product used for reducing the concentration of airborne pollutants, including but not limited to allergens, microbes (e.g., bacteria, fungi, viruses, and other microorganisms), dusts, particles, smoke, fumes, gases or vapors and odorous chemicals, from the air inside an enclosed space. Such products include, but are not necessarily limited to, portable devices of any size used for cleaning the air nearest a person (e.g., worn or carried by the person), in a room of any size, in a whole house or building, or in a motor vehicle; and stand-alone devices designed to be attached to a wall, ceiling, post or other indoor surface. These may include mechanical air cleaners, ionizers, electrostatic precipitators, photocatalytic oxidation air cleaners, plasmacluster devices, corona discharge ozone generators, and other technologies.

3. When will the regulation take effect, and what is required at that time?

The regulation's effective date is October 18, 2008. The requirements of the regulation must be met beginning 24 months after the effective date of the regulation, or

October 18, 2010 (the compliance date). At that time, no person or business shall manufacture, sell, supply, offer for sale or introduce into commerce, for use in California, any indoor air cleaning device for use or intended for use in occupied spaces unless the device is certified by the California Air Resources Board (ARB) to produce an ozone emission concentration that does not exceed 0.050 parts per million (ppm). Air cleaning devices also must be labeled as required, and must meet and continue to meet all regulation requirements. Additionally, within 12 months after the effective date (by October 18, 2009), manufacturers must send copies of the final regulation to all of their distributors, retailers and sellers as required in Section 94807 of the regulation, and provide copies to ARB of the emails or letters sent plus contact information for all recipients. For more information please access the Final Regulation Order at http://www.arb.ca.gov/regact/2007/iacd07/iacd07.htm.

4. Are any air cleaners excluded or exempt from the regulation?

Yes. Air cleaners manufactured, marketed, and used solely for industrial use, and those that are fully integrated "in-duct" systems, are exempt from the regulation. However, air cleaners used in industrial use settings must be marketed solely through industrial supply outlets or businesses and prominently labeled as "Solely for industrial use. Potential health hazard: emits ozone."

5. What does "industrial use" or "industrial application" mean?

"Industrial use" or "industrial application" means the use of ozone for the following purposes and conditions:

(A) purification of water in an industrial plant, water treatment facility, municipal water facility, or similar facility, and swimming pools and spas
(B) the destruction of microbes on produce in an agricultural processing plant, refrigerated transport truck, or related facility
(C) chemical oxidation and disinfection in the electronics, pharmaceutical, biotechnology and chemical industries
(D) bleaching and other processing purposes in the pulp and paper industry
(E) odor control from industrial stack gases or wastewater treatment facilities
(F) odor and smoke control in the hotel industry, provided no people are physically present
(G) mold remediation, provided no people are physically present
(H) fire and smoke damage remediation, provided no people are physically present
(I) odor control in the motor vehicle reconditioning and detailing industry provided no people are physically present.

6. What is an "in-duct system"?

An "in-duct system" is an air cleaning device designed, marketed, and used solely as a physically integrated part of a central heating, air conditioning or ventilating system.

7. Who is required to submit an application for certification?

Each manufacturer of an indoor air cleaning device that will be used, or sold for use, in California is required to submit an application for certification to the ARB. Alternatively, a professional association or certification organization may submit the application on behalf of the manufacturer, as long as all required information and signatures from the manufacturer and test laboratory are included.

8. Is there a fee for submitting an application?

No, there is no fee for submitting an application. However, applicants must cover the costs of testing; the state does not cover such costs.

9. Where can I obtain an application?

The application and instructions for filling it out can be obtained through the ARB's website at http://www.arb.ca.gov/research/indoor/aircleaners/aircleaners.htm.

10. How do I apply for certification?

The application steps are as follows:

Step 1. Obtain an application form from our website (see Question 9).
Step 2. Obtain an application number from ARB by sending an email request to aircleaners@listserv.arb.ca.gov. An application is needed for each model to be tested and certified. Application numbers are not needed for other models in the same model group (see question 13) that will not actually be tested.
Step 3. Complete the manufacturer portion of the form (first 3 pages).
Step 4. Have an approved laboratory conduct the applicable test and complete their portion of the form (see Question 14).
Step 5. Submit the completed form, including all required test results and documentation, as directed in the application instructions.

More detailed application instructions can be found at:
http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm

11. What tests are required?

The tests required depend on the type of air cleaning device.

a) All **electronic air cleaners** (i.e., electrostatic precipitators [ESPs], ionizers photocatalytic oxidation devices, and all other air cleaners that do not meet the definition of "mechanical filtration only" below), must be tested to meet the December 21, 2007 version of the American National Standards Institute/Underwriters Laboratories, Inc. (ANSI/UL) Standard 867. This standard includes electrical safety requirements, and Section 37 of the Standard includes the required ozone emissions test, which was recently updated by UL.

Underwriters Laboratories also issued three "Certification Requirement Decisions" (CRDs) early in 2008 for Standard 867 that clarify portions of Section 37; these must be followed by the test laboratories when they conduct the test. The revised Section 37 and the three CRDs are available at http://www.arb.ca.gov/regact/2007/iacd07/iacd07.htm; scroll down to Hearing Action and Supplemental 15-day Notices, to the First Notice, July 15 2008 Deadline…and see Appendices III and IV.

b) "**Mechanical filtration only**" devices must meet the September 27, 2007 version of ANSI/UL Standard 507, a standard for electrical safety that does not include an ozone emissions test. "Mechanical filtration only" air cleaners are those that remove suspended particles from air only via filtration through a physical barrier using non-electronic techniques, i.e., where air is forced through a filter medium. Materials used in the construction of the filter media include substances such as activated charcoal, paper, foam, synthetics, ceramics or natural fibers.

12. Must every model be tested?

No. Only one representative model of indoor air cleaning device within a model group must be evaluated under the test method.

13. What is a "model group"?

A "model group" is comprised of indoor air cleaning devices sharing the same design, operational features, device output, and performance characteristics, and made by the same manufacturer. Units in the same model group may be marketed under different brand names. Units that differ only in decorative treatments such as color, remote control, or other cosmetic features not related to ozone output belong to the same model group.

14. Who can conduct the tests?

Testing of indoor air cleaning devices must be conducted by a laboratory currently recognized as a Nationally Recognized Testing Laboratory (NRTL) by the U. S. Occupational Safety and Health Administration (OSHA). The laboratory must be approved by OSHA to perform testing for the entire ANSI/UL Standard 867 or ANSI/UL Standard 507, whichever is applicable. The test may also be conducted by an OSHA "Program 2" laboratory (as a subcontractor to an NRTL) as described in the regulation.

Laboratories also must pass an initial ARB audit and an annual review to verify their ability to accurately perform the ozone emissions testing procedure as described in ANSI/UL Standard 867 Section 37. Currently, only UL (specifically Air Quality Sciences, their subcontractor) is approved to conduct the test; however Intertek Testing Services NA, Inc. also plans to conduct testing for this regulation in the coming months. For contact information for acceptable laboratories, please visit our web page at http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm.

15. Who will verify "mechanical filtration only" air cleaning devices?

The ARB will verify that an air cleaner is a mechanical-filtration-only air cleaning device that is not subject to ozone emission testing, based on review of the product design specifications and other documentation submitted by the manufacturer, and laboratory certification under ANSI/UL 507, as specified in the certification application instructions at http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm.

16. If my "mechanical filtration only" model was previously tested under ANSI/UL Standard 507, do I have to have it re-tested?

It depends on the date of the previous testing. For mechanical devices tested on or before August 8, 2008, a new test is not required; manufacturers may submit a copy of the signed letter or notice received from the test laboratory at the time the test was conducted, showing the model was approved under ANSI/UL Standard 507. For mechanical models tested after August 8, 2008, devices must be tested under ANSI/UL Standard 507, Ninth Edition, September 27, 2007 version, and testing must be conducted by an NRTL or Program 2 laboratory (see Question 14 response). The detailed requirements for "mechanical filtration only" air cleaners are provided in the certification application instructions (http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm).

17. Once my products are certified, how will consumers be informed?

They will be informed by the product label and a listing by ARB. All indoor air cleaning devices are required to display an ozone emissions certification label on the product packaging after completion of certification requirements, unless they are exempt from the regulation. "Industrial use" devices must be labeled as indicated above in Question 4. Also, all certified models will be listed on an upcoming ARB webpage.

18. What are the specific labeling requirements?

The regulation specifies that a "label" is an area on the product packaging containing the required certification statement in an easily readable format, separate from unrelated text. This is printing on the product package, or, for air cleaners manufactured prior to April 1, 2011, it may be an adhesive sticker.

For non-medical devices, Section 94806 of the regulation specifies that the label must be at least 1 inch by 2 inches in size, easily readable, and must state "This air cleaner complies with the federal ozone emissions limit. ARB certified" in bold type whose uppercase letters are not less than 3 mm high.

For medical devices, the label must be in compliance with federal law, including Section 801.415 of Title 21 of the Code of Federal Regulations (see http://edocket.access.gpo.gov/cfr_2004/aprqtr/pdf/21cfr801.415.pdf.) This label must also state "ARB certified."

19. What do I do about labeling if I am unable to obtain certification in the required time frame?

Indoor air cleaning devices submitted to an approved laboratory for certification testing by October 18, 2009, but unable to obtain certification by April 18, 2010, are allowed an additional 180 days after the postmark date of notification of product certification by ARB to meet the labeling requirements. However, all other testing and certification requirements must be met, e.g., the air cleaner must be tested and certified to meet ANSI/UL Standard 867 or 507, as appropriate, by October 18, 2010.

20. What happens if my product(s) have not been certified?

Enforcement actions (see Question 27) will be taken if an uncertified air cleaner is marketed or sold in California.

21. What about products sold via the Internet or catalogs – can they be shipped to a California customer?

Only products that are certified by ARB and have the required labeling can be shipped to a California customer. Any indoor air cleaning device for non-industrial use that is advertised or sold via the Internet or catalog but has not been certified by ARB must display the following advisory in a prominent place on the primary web pages, catalog pages, and related materials where such a device is advertised or displayed for sale: "Does not meet California requirements; cannot be shipped to California." Enforcement actions will be taken if such devices are shipped to or sold in California (see question 27).

22. Are there safety certification and listing mark requirements?

Yes. The safety certification or listing mark for ANSI/UL Standards 867 and 507 used by the testing laboratory must be displayed on each certified air cleaner. Both medical and non-medical indoor air cleaning devices must show this information on the device. For more information please see Section 94806(d) of the Final Regulation Order, which can be found at http://www.arb.ca.gov/regact/2007/iacd07/iacd07.htm.

23. When will I be notified whether or not my product(s) has been certified?

Within 30 days of receipt of the certification application, the ARB will provide written notification indicating whether the certification application has been accepted for review or, if incomplete, the additional information that is required. Within 30 days after acceptance of an application as complete, ARB will provide written notification of certification approval or disapproval. These time periods may be extended by the ARB's Executive Officer if deemed necessary because of extenuating circumstances.

24. If I am a manufacturer, must I notify my product distributors, retailers and sellers?

Yes. Within 12 months of the effective date of this regulation (by October 18, 2009), makers of indoor air cleaning devices manufactured, sold, supplied, offered for sale or introduced into commerce in California must submit documentation that they have provided to all of their known distributors, retailers, and sellers true and accurate copies of the final regulation adopted by the ARB and filed with the California Secretary of State.

25. How should I notify my distributors, retailers and sellers?

Notification must be in writing, by mail or email. As indicated in Section 94807 of the regulation, acceptable documentation of a mailed notification will include a hard copy of the materials mailed and the associated mailing list with complete contact information for each addressee. Acceptable documentation of an email notification will include a copy of the email and the complete contact information for each email addressee. Such information will be kept confidential upon request as specified in Sections 91000 et seq. of title 17, chapter 1, subchapter 4 (Disclosure of Records) of the California Code of Regulations. For new distributors, retailers and sellers who become known to manufacturers after manufacturers' initial notification to their distributors and retailers, manufacturers must provide similar notice to them and provide contact information to the ARB. Non-compliance with Section 94807 of the regulation may result in rejection or revocation of certification.

For further information, please see the Final Regulation Order at http://www.arb.ca.gov/regact/2007/iacd07/iacd07.htm. Further instructions for submitting the documentation and a sample letter for manufacturers to use in notifying their distributors and sellers will be made available on ARB's website in early December, 2008. ARB staff will be available to review draft documentation letters for manufacturers, if requested, to help assure that all required information is provided and is accurate.

26. Must I maintain records of my product(s) or certification?

Yes. Manufacturers, distributors, retailers, sellers, and test laboratories are required to maintain records related to this regulation for at least three years. Relevant records include production, quality control, sales or testing records for products sold, supplied, offered for sale, introduced into commerce or manufactured for sale within California. Such records must be made available to the ARB upon request. Such information will be kept confidential by ARB upon request as specified in Sections 91000 et seq. of title 17, chapter 1, subchapter 4 (Disclosure of Records) of the California Code of Regulations.

27. Are there any penalties for non-compliance?

Yes, there are a variety of actions ARB can take. An application for certification may be denied, or a certification may be revoked or suspended, for failure to comply with any

provision of the Final Regulation Order to Limit Ozone Emissions from Indoor Air Cleaning Devices. If the Executive Officer determines that a violation of the regulation has occurred, he or she may order that the products involved in or affected by the violation be recalled and replaced with products that comply with the regulation. All other penalties authorized by law also apply. For example, Health and Safety Code Section 42400 *et seq*. provides for penalties of $1000 per day up to $1,000,000 per day for violations, depending on the specific circumstances of the violation.

28. Who can I contact if I have other questions?

For further information regarding the certification application and required tests, please contact **Ryan Johnson** at 916-323-2190, or rjohnson@arb.ca.gov.

For general information about the regulation and submittal of documentation of notification of distributors, retailers, and sellers, please contact **Jim Behrmann** at 916-322-8278, or jbehrman@arb.ca.gov.

For problems printing or viewing this document or our webpages, or with listserve announcements, please contact **Susan Lum** at 916-323-5043, or slum@arb.ca.gov.